

November 9, 2006: Iraq: USCIRF Letter to Under Secretary of State Dobriansky Urges Refugee Protections for Iraqi Religious Minorities

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WASHINGTON-The U.S. Commission on International Religious Freedom (USCIRF), a bipartisan, independent federal agency, has written to Under Secretary of State for Democracy and Global Affairs Paula Dobriansky to express concern about the dire situation of members of Iraqi religious minority groups that have fled their country, particularly ChaldoAssyrians and Sabeen Mandaean.

"The Commission urges Under Secretary Dobriansky to create new or expand existing options for allowing members of Iraq's ChaldoAssyrian and Sabeen Mandaean religious minority communities to access the U.S. refugee program, and to urge UNHCR to resume full refugee status determinations for all Iraqi asylum seekers and assess all claims without delay," said USCIRF Chair Felice D. Gaer. "The United States has not made direct access to the U.S. Refugee Program available to Iraqi religious minorities, taking the position that ChaldoAssyrians and Sabeen Mandaean are subject to generalized violence in Iraq. This position is not supported by the facts."

Iraqi ChaldoAssyrians and Sabeen Mandaean represent approximately 40% of the refugees who have fled Iraq over the past three years, according to the United Nations High Commissioner for Refugees (UNHCR), although they constitute less than 3% of the Iraqi population. Numbering approximately 500,000, these refugees are dispersed through Jordan, Turkey, Syria and Lebanon.

USCIRF noted in its 2006 Annual Report that "minority communities, including Christian Iraqis, are forced to fend for themselves in an atmosphere of impunity, and lack any tribal or militia structure to provide for their security. The result is that members of these communities continue to flee the country in the face of violence, in an exodus that may mean the end of the presence in Iraq of ancient Christian and other religious minority communities that have lived on those same lands for 2,000 years."

The text of the letter to Under Secretary Dobriansky follows:

November 8, 2006

Dr. Paula Dobriansky

Under Secretary for Democracy and Global Affairs

U.S. Department of State

Washington, DC

Dear Under Secretary Dobriansky,

On behalf of the U.S. Commission on International Religious Freedom, I am writing to you with regard to the situation of members of religious minorities that have fled Iraq. In October 2005, the Commission wrote to then Acting Assistant Secretary Greene to express our concern about the United Nations High Commissioner for Refugees' (UNHCR) September 2005 Advisory Opinion on Iraq, which understated the severity of conditions in Iraq for members of religious minorities, particularly ChaldoAssyrians and Sabeen Mandaean. Since that time, conditions have deteriorated for these groups, and yet barriers to access to the U.S. Refugee Program continue to exist. Because of the specific and well-documented threats these groups face in Iraq, the Commission recommends that you:

Create new or expand existing options for allowing members of Iraq's ChaldoAssyrian and Sabeen Mandaean religious minority communities to access the U.S. refugee program. The Visa 92/93 and Priority Three (P-3) programs are too narrowly focused and unnecessarily limit opportunities for family reunification; and
Urge UNHCR to resume full RSD for all Iraqi asylum seekers and assess all claims without delay.

The worsening conditions for ChaldoAssyrians and Sabeen Mandaean in Iraq, on which the Commission has reported for the past three years, warrant these actions. In a letter to President Bush in December 2004, the Commission observed that the "escalation of religious terror...is having a particularly devastating effect on many of Iraq's non-Muslim minorities-the ChaldoAssyrians, Mandaean, and Yazidis." In its 2006 Annual Report, the Commission found that amid a growing cycle of sectarian violence:

[R]eligious minorities in Iraq continued to suffer a disproportionate burden of violent attacks and other human rights abuses. Minority communities, including Christian Iraqis, are forced to fend for themselves in an atmosphere of impunity, and lack any tribal or militia structure to provide for their security. The result is that members of these communities continue to flee the country in the face of violence, in an exodus that may mean the end of the presence in Iraq of ancient Christian and other religious minority communities that have lived on those same lands for 2,000 years. The [UNHCR] has reported on "an explosion of Islamist extremist movements and militias which target, among others, members of religious minorities," concluding that religious minorities "have become the regular victims of discrimination, harassment, and at times persecution, with incidents ranging from intimidation and threats to the destruction of property, kidnapping and murder," and that "members of the Christian minority...appear to be particularly targeted."

This alarming trend has continued unabated, as is confirmed by the Department of State's most recent International Religious Freedom Report, which concludes that "private conservative and radical Islamic elements continued to exert tremendous pressure on other groups to conform to extremist interpretations of Islam's precepts. In addition, frequent attacks on religious places of worship, as well as sectarian violence, hampered the ability to freely practice religion." Although it appears that the central government of Iraq has played no part in facilitating or condoning attacks against religious minorities, for the time being it remains unwilling or unable to stop or even diminish the frequency and intensity of these incidents.

In addition to violence, allegations have persisted throughout the past year that the Kurdistan Regional Government (KRG) has engaged in discriminatory behavior against religious minorities. According to the State Department, "Christians living north of Mosul claimed that the KRG confiscated their property without compensation and began building settlements on their land. Assyrian Christians also alleged that the Kurdistan Democratic Party (KDP)-dominated judiciary routinely discriminated against non-Muslims and failed to enforce judgments in their favor."

UNHCR currently estimates that Iraqi ChaldoAssyrians and Mandaean represent approximately 40% of the refugees who have fled Iraq over the past three years, although they constitute less than 3% of the Iraqi population. These individuals, numbering approximately 500,000, are dispersed through Jordan, Turkey, Syria, and Lebanon. On October 13, 2006 UNHCR acknowledged that recent developments in Iraq have "necessitated a reassessment" of its work and priorities to provide assistance to the tens of thousands of Iraqis "who are now fleeing their homes every month," in a "steady, silent exodus." According to UNHCR, those who have managed to flee Iraq increasingly "are becoming dependent and destitute," with the welcome mat "wearing thin in some of the neighboring states." In Jordan and Syria, governments have "merely remained tolerant" and suspended the application of their respective laws regarding the stay

of foreigners. "This tolerant position is now changing."

Yet in the face of these developments, the United States has not made direct access to the U.S. Refugee Program available to Iraqi religious minorities, taking the position that ChaldoAssyrians and Sabeian Mandeans are subject to generalized violence in Iraq. This position is not supported by the facts. Moreover, although the State Department has indicated its willingness to take referrals from UNHCR, that agency has suspended refugee status determinations (RSDs) for all Iraqi nationals. This policy is inconsistent with UNHCR's own written recommendations to State Parties, and is resulting in those Iraqis fleeing persecution in their home country being denied international protections to which they are entitled.

Knowing of your considerable concern for human rights, the plight of refugees, and other global issues, the Commission urges you to act on the recommendations given above.

Thank you very much for your attention to this matter.

Sincerely,

Felice D. Gaer

Chair

CC: The Honorable Barry F. Lowenkron, Assistant Secretary of State for Democracy, Human Rights and Labor

The Honorable John V. Hanford III, Ambassador-at-Large for International Religious Freedom

The Honorable Ellen R. Sauerbrey, Assistant Secretary for Population, Refugee and Migration Affairs

J. Kelly Ryan, Deputy Assistant Secretary for Population, Refugee and Migration Affairs

The Honorable Elliott Abrams, Deputy Assistant to the President and Deputy National Security Advisor for Global Democracy Strategy

The Honorable Michael Kozak, Senior Director for Democracy, Human Rights, and International Operations

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